
**ICANN Transcription
RPM Sub Group B
Thursday, 18 June 2020 at 17:00 UTC**

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ZAK MUSCOVITCH: All right. Thank you. So, four items on the agenda. We'll get to those in a moment. First, let's see if there's any updates to statements of interest, please. Any updates to statements of interest? Seeing none, we shall move along. So, maybe what we can do, Ariel, is just give us a brief summary from the last call to get us started.

ARIEL LIANG: Of course. Thanks, Zak. So, the last call, the subgroup reviewed URS recommendation four and URS question two. And these two items are related. So, for URS recommendation four, the public comment that the subgroup agreed to flag to the working group is from ICANN Org. So, in this analysis document, you see that has been replicated here.

And the particular wording suggestion the subgroup agreed to, and they wish to flag to the working group to consider, is that change the first sentence—particularly, one word. Change “mechanism” to “mechanism or mechanisms.” And that's bulleted here for clarification purpose. And staff believe this distinction can

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help clarify that the Compliance mechanism not just one. It can be multiple. And ICANN's relationship with the providers is based on MOUs and this can be a different legal relationship than that with Contracted Parties. So, that clarification can provide additional flexibility in terms of implementation of the recommendation.

And then, the discussion summary has been also noted in the analysis document. And that was circulated on the mailing list for review but we didn't see any input or comment on the mailing list. So, we trust that the subgroup has reviewed and are generally happy with what's written there. So, I won't delve into the detail here. And there is no other outstanding action item related to this recommendation.

And then, for URS question two, the agreement is for the subgroup to flag the entire tab in the public comment review tool for the working group to review. So, all of the comments related to URS question two should be reviewed by the working group. And some of these comments may help inform the working group, if it wishes to make any changes or additional implementation guidance for the existing recommendation number four or even create additional recommendations. So, the information in question two can help inform the working group, in terms of what to do with the existing recommendation.

So, that's pretty much the summary of what the subgroup did for last week.

ZAK MUSCOVITCH: Thank you very much, Ariel. What we're about to get to next doesn't relate to the summary from last week but there was an issue raised on the mailing list for Subgroup B in connection with recommendation two. And so, maybe we could just bring that up on the screen briefly.

Okay. So, in front of you is the URS recommendation number two. I'll just give you a moment to refamiliarize yourself with it. Okay. Now, if we can scroll down a little bit, Ariel, to where the— "In summary." Okay. Right there.

So, let's just read that. "In summary, Subgroup B agreed that the public comments have not raised any new or material perspectives, facts, or solutions which the working group had not considered in making the recommendation."

Can you carry on down a little below that, URS recommendation two? And so, here's the ... "The working group ..." Where's that "as is" language? Yes. "Therefore, Subgroup B agreed that the recommendation be maintained as is but noting that further clarification may be required, in terms of what the URS provider does when the registry/registrar does not timely provide the WHOIS/RDDS data of the registrant."

So, the issue that arose on the mailing list was whether there was any change to the original recommendation or not. And this seems to incapsulate that there was not going to be any recommendation change. It's going to be maintained as is, with a caveat that there's going to be a small punt to the working group to see if further clarification is needed.

So, with that being said—and I hope I laid it out sufficiently for you—is there any questions or requests for clarification on that? I see Kathy has her hand up. So, Kathy, I'd like to invite you to provide us your observations or comments on this. Thank you.

KATHY KLEIMAN:

Thanks, Zak. And thanks for taking a moment on this. This makes sense to me as where the subgroup—I was on the call—where the subgroup concluded, what's highlighted here, "Therefore, Subgroup B agreed that the recommendation be maintained as is but noting further clarification may be required."

Can we go up to the top, then, where we've just scrolled through? Because I think there is ... I'm confused, perhaps, in how it's being presented. So, we see URS recommendation number two. We see public comment referred to the working group. We see row 31 provided without attribution as to who it is. And what it seems to be implying, the way it's laid out ... I try to tell my students never to force the client to read to the end—that you want to tell them right up front what's happening.

And so, what seems to be happening here is that the working group is recommending what was set out in row 31—that if the registry or registrar does not timely provide or fails to provide within the designated period of time the underlying information, then the notice is sent to different contact information.

And since that's not our recommendation, maybe we can clarify what's happening here or move up our language to in front of the IPC's language—I'm looking at Ariel's note—to in front of the

IPC's language of row 31 and preface that as this is the comment, maybe, that started our response but that this is not our recommendation as a subgroup, per se.

Does that make sense? I guess I'm looking for clarification because I don't think we should have to wait until the exciting conclusion and I think this may be slightly misleading in how it's presented. Thanks.

ZAK MUSCOVITCH: Thank you, Kathy. So, it sounds like you've proposed a solution to this. That's a change of the order to raise up the working group's recommendation that I recited earlier and put it up ahead. And then, reference the IPC's comment as the comment that led to the punting of that clarification to the working group. Is that basically right?

KATHY KLEIMAN: Sorry. Coming off mute. That's exactly right, Zak.

ZAK MUSCOVITCH: Okay. Does anyone have any objections to that as a reconfiguration of the summary? Just give you a moment in case there's any objections. Okay. Problem solved. Thank you very much, Kathy.

KATHY KLEIMAN: Thanks so much, Zak. Thanks, Ariel.

ZAK MUSCOVITCH: Okay. All right. So now, we have four items on the agenda and we're going to get to the first of them. The first is URS recommendation five, and then there's URS question number three, and then URS recommendation number six, and URS question number four.

So, let's begin with URS recommendation five. It's very short so I'll read it out for us. "The working group recommends that the ICANN Org, registries, registrars, and URS providers keep each other's contact details up-to-date. And in order to effectively fulfill the notice requirement set forth in URS procedure, paragraph four." And just to remind us, URS procedure paragraph four is the notice and lockdown procedures, where the provider notifies the registry and the domain must be locked after compliance within 24 hours.

So, I'd like to ask someone if they care to characterize the public comments for us very broadly. Just characterize the degree of support, whether they identified any additions, changes that were significant and not considered by the working group again. And Ariel, can you just bring up the remit parameters for us, just to remind us of what they are again. So, you'll recall, these are the remit parameters—the yard stick that we're reviewing all the public comments by.

So, we're chiefly looking at public comments providing any new and material perspectives, raised any new facts that materially strengthen or diminish the assumptions, or if any recommendation

received widespread and substantial opposition not already considered. So, those are the things we're looking for.

So, if anyone cares to characterize these for us ... I see Griffin's hand's up. So, let's go back to recommendation five, please. Thank you, Ariel. Griffin, you have the mic. Thank you.

GRIFFIN BARNETT:

Yeah. Thanks, Zak. I'm happy to take a crack at trying to synthesize this for us. So, obviously, I think the chart is fairly demonstrative, insofar as I think the concept is quite well-supported. And I think, frankly, should be a no-brainer that contact details of all the various parties involved in the URS workflow, if you want to call it that, be kept up-to-date so that everyone can fulfill their respective roles in the process.

In terms of the comments, it seems that where the 12.7% that's captured there, in terms of supporting the concept with a minor change ... I see that the CPH has suggested a single up-to-date database or source where all this information is kept. I think that's a fairly good implementation suggestion that we can capture. And then, I think similarly, the INTA comments is more of a clarifying wording revision that I think, again, we might take a look at.

But I will note that Tucows' comment about removing registrars, I don't think that's an appropriate suggestion because I do believe that under the URS procedure in the rules that registrars are potentially involved in the process in situations where the registry operator doesn't respond or doesn't fulfill its obligation. So, I don't think that that's something that we can seriously consider.

And then, the other comments raising concerns and clarifications ... I think “eliminate the URS,” as a category of comments, is just misplaced here. And then, I do note the ICANN Org comments, which seem to relate primarily to whether this sort of issue needs to be something included in a formal contract, particularly with URS providers. And again, I think we should take on board some of the ICANN Board comments, as far as implementation guidance perhaps.

But ultimately, my read overall is that the recommendation itself may not need to change significantly but that there are a few comments here, as I’ve noted, that may be worthwhile in terms of capturing for implementation ideas. So, hopefully everyone can support that analysis but that’s just my attempt. Thanks.

ZAK MUSCOVITCH: Thank you very much, Griffin. Next up is Cyntia. And Cyntia, I hope part of your comment is about the ICANN.org comments because they were interesting. But I’ll leave it to you. Thank you.

CYNTIA KING: Can you hear me?

ZAK MUSCOVITCH: Yes. Loud and clear.

CYNTIA KING: Yes. Actually, a large portion of what I would like to mention is about the ICANN comments. There’s overwhelming public support

for this. It seems like a no brainer. People keep their contact information up-to-date and share it so that everybody can contact one another. That doesn't seem terribly controversial. And the Registries and Registrar group actually acknowledges that this is sometimes a problem. So, it seems that this is a no brainer.

The only thing, to me, that pops out is ICANN's question. And basically, what they're saying is whether or not the intention of the working group is for ICANN to add this to the parties' contracts and then to enforce it. The answer to that has to be yes because you can't have a system where your vendors are responsible to keep one another informed in order to enforce your contracts—your mechanisms.

So, the URS is an ICANN mechanism. And the vendors—the Contracted Parties, Registries and Registrars—do have to keep their information up-to-date with each other so that that mechanism functions. But much like if I had a bank account and bank and if I had a creditor, I wouldn't tell those people to keep in touch with each other and keep their own information updated. I would keep in touch with those two vendors myself and make sure that they were up-to-date.

So, the suggestion of a centrally-located database that could be updated is timely. But I think that yes. ICANN is responsible to keep that information updated and available and to enforce it. Thank you.

ZAK MUSCOVITCH: Thank you very much, Cyntia. Phil, I think your hand ... Yes. Your hand's up. Please, Phil.

PHILIP CORWIN: Okay. I believe I've unmuted now, correct? Hello?

ZAK MUSCOVITCH: Yes. Can hear you loud and clear, Phil.

PHILIP CORWIN: Okay. Just adding on. Clearly, this is a non-controversial recommendation with very broad support. I would just note two things. One, for the full working group, INTA suggested a slight modification of the language to adding the words "take appropriate steps." I'm not sure I that adds anything or not but the full working group should take a look at that.

And second, frankly, I'm somewhat mystified by the ICANN comment. It seems to me that the New TLD Registry Agreement requires registry operators to comply with URS. I would think it's implicit to participate in the URS that they maintain up-to-date contact information for URS providers. I'm not sure. We can have staff liaison with the Org. But it seems to be implicit in the existing registry agreement to facilitate URS that maintaining up-to-date contact information would be implicit as part of that obligation.

And I'm rather mystified that ICANN tells us that they have difficulties in knowing the contact information for parties they've contracted with. I've been, in previous life, doing some real law.

Up-to-date contact information is almost always just a boilerplate provision in contracts between the parties so that if there's an issue, they know exactly where and how to contact one another.

So, I think we need some research from staff before the full working group takes this up because I think ICANN is making this more complicated than it needs to be and I'm not sure there's any new requirement in Registry Agreements required, since the operators already have to facilitate operation of the URS as part of their contractual responsibilities. Thank you.

ZAK MUSCOVITCH:

Thank you, Phil. I see that David has lowered his hand but Cynthia's raised her hand. I'll just ask you, Phil. When you referenced that you think research needs to be done, is it an alternative, rather than have staff do research, that the kinds of concerns or suggestions that you outlined be provided in the report itself? Or do you think that before any recommendation is made, research must be conducted?

PHILIP CORWIN:

Well, I think this recommendation is so noncontroversial and so broadly supported that I don't view checking with ICANN Org and looking at the contracts before the full working group takes this up is critical. I think it would be useful understand because, again, I was somewhat mystified by this concept. I think ICANN, on this one, is making a mountain out of a molehill.

ZAK MUSCOVITCH: Okay. Thank you very much, Phil. So, Cyntia, we're going to get to you now. And then, after that, we're going to decide what to do with this recommendation. Cyntia?

PHILIP CORWIN: Thank you. Just a quick response to Phil. Phil, I agree with you that this should be uncontroversial and that ICANN appears to be making more out of this than there needs to be. However, in actual practice, I am here to tell you that they are not doing that at all, in any way.

I have personally experienced multiple instances where I could not get information on a registrar. And when I went to ICANN and wound through their process, eventually ending up with Compliance, in neither of the times that I actually went to Compliance did they actually do anything about the contact information that was not there. And when I say "not there," the problem, at least in one instance, is that the registrar no longer existed and ICANN still had it as an accredited registrar on their website, even though they are aware that the registrar no longer existed.

So, while it would be great if they did that, in actual practice, they are not. And I think that we need to make it explicit that this is their responsibility. Thank you.

PHILIP CORWIN: Yeah. Quick response, Cyntia. I want to note two things. One, the Contracted Party House—the Registries and the Registrars—didn't raise any ... They're usually very defensive to anything that

might breach the picket fence or add new responsibilities. But they didn't see a concern here. They said ICANN should maintain a single database of all this contact information to facilitate contacts with URS providers.

And given that DNS abuse is the overarching subject of ICANN 68 next week, it seems maybe you or someone else can raise this. Because whatever the answer is to DNS abuse, if ICANN can't even contact parties they have contracts with, that's a concern.

ZAK MUSCOVITCH:

Okay. Thank you, Phil and thank you, everyone. So, what we now have to decide to do is what do we do with this recommendation number five? Having regard to the remit parameters, which we had on the screen earlier, do any of the comments raise concerns that weren't initially considered by the working group, raise any new issues or new facts? Or was there any significant opposition that we should consider? Or failing all that, is there some kind of agreement here that those concerns that we've just heard people explain to us should find their way into this recommendation? Or are they fit into a commentary on the recommendation?

So, I'm going to ask this group for a suggestion about how we treat the URS recommendation five. Do we go with it as is and highlight for the working group the concerns? Or do we make changes to the recommendation itself? Anyone care to offer their view on the procedure? Cyntia, thank you.

CYNTIA KING: Given the ubiquitous support for this as a whole, I think that we should, as a subgroup, prepare whatever tweaks we think need to be added, and then present the tweaks to the full working group, and then allow them to see what we've already determined, which is that there's broad support but there's a small fix that needs to be made. Thank you.

ZAK MUSCOVITCH: Okay. So, just so that we can eliminate this as a possibility, is there anyone who has any objections or concerns about us fiddling with this recommendation now? I'm looking for any hands or comments in the chat. So, Phil, did you want to provide your view on that?

PHILIP CORWIN: I don't want to be the skunk at the garden party but my understanding was that the subgroups would not be attempting to rewrite these recommendations in any way—that they would be sending them up to the full working group, with identifying those that had issues with the community suggesting rewrites or significant opposition, etc. but that we weren't going to try to redraft things here—that we would send things up to the full working group and identify things they might want to look at in considering some slight modification on something like this.

ZAK MUSCOVITCH: So, Phil, could the solution be that staff summarizes our deliberations as broad support for the recommendation but asks the working group to consider whether additions or revisions are

appropriate, in light of ICANN's comment that it has difficulties maintaining contact data from its Contracted Parties?

PHILIP CORWIN: I have no problem with identifying, with specificity for the full working group's consideration, issues that they might want to address in a revision of the language. But I thought we had broad agreement that these subgroups were not going to be trying to redraft recommendations at this level of review.

ZAK MUSCOVITCH: Thank you, Phil. Okay. David?

PHILIP CORWIN: So, my problem is not with whatever substance Cyntia might suggest. It's setting the precedent of redrafting at the subgroup level.

ZAK MUSCOVITCH: Okay. So, Cyntia, what we've heard from Phil is an effort to ensure that we comply with our own remit parameters. Is there a way of conveying to the working group, without rewriting this, what the concerns we'd like the working group to deliberate upon are?

CYNTIA KING: Pardon me. I'm confused because I didn't suggest rewriting anything. What I suggested is that this sub-team make a recommendation to the working group on what we think should be

a potential tweak and then let the working group decide. But if everything we think may need a tweak, we simply willy-nilly kick up to the working group for them to start ground zero and discuss, I think it's going to take a lot of extra time. I think it's our job to make a recommendation to the working group, as we go through the details of every single comment, what we believe a fix should be. Thanks.

ZAK MUSCOVITCH: Thank you, Cyntia. Griffin?

GRIFFIN BARNETT: Yeah. Thanks. I don't mean to belabor this at all. But I think, as far as a path forward, the way that I see it is ... I think we capture that this recommendation, as is, has broad support and that we potentially flag to the working group whether we want to make the specific revision in wording, which to my mind, is extremely narrow, is the specific suggested rewording in the INTA comment, which I don't believe changes the meaning, really, at all. I think it's more of just—a little bit more clear and specific.

I think we also may want to capture, as potential for working group consideration, whether we want to add implementation guidance along the lines of the CPH suggestion about the database and also the issues that we discussed, that are rooted in the ICANN comments. Because again, I don't think any of this relates to the policy recommendation. I think most of that—namely, the CPH and ICANN Org comments—are really about how this issue is

treated in practice. And so, that's, perhaps, how I would capture it. And hopefully we can move forward from there. Thanks.

ZAK MUSCOVITCH:

All right. Thank you. We've got a lot more to do on this call today so let's see ... I'm just looking at Phil's chat message, asking Cyntia if she has some suggested language that we could convey to the full working group. As Phil says, he has no problem with pointing out possible tweaks, so long as we are not sending up actual revised recommendation language.

And Susan mentions in chat, "If we were to say anything, it would be to encourage the full working group to tweak this to address Org's comment. But addressing Org's comment would not be to drop this recommendation. It would be to require or to keep this info. We made this recommendation, after all, because we became aware there was a problem here."

So, Cyntia, can I impose upon you to make some suggestion about what we can specifically state in our referral to the working group? "My comment to the working group would be simple," Cyntia says.

CYNTIA KING:

You know, it's probably just faster if I say it instead of type it.

ZAK MUSCOVITCH:

Okay. Go ahead. Thanks, Cyntia.

CYNTIA KING: My comment would be super simple. Broad support—overwhelming support for the recommendation as written. ICANN.org’s comments request a clarification. The work sub-team recommends that ICANN.org’s questions be addressed via a database that is enforceable by ICANN Compliance—just something super simple. And then, allow people to go through and read the comments themselves. If we address the comment, they’ll know exactly what to look for. And then, it should be a very simple and short conversation with the full working group.

ZAK MUSCOVITCH: Okay. So, Cyntia, that wording, Phil indicated he had no problem with. However, I noted that your suggested language references just the solution of the database that was the first proposed change in the chart from CPH. However, there’s the other suggestion that Phil had mentioned earlier in his comments about actually having notice provisions in contracts. And so, perhaps we can broaden—

CYNTIA KING: I agree. I’m not trying to write the specific language. Just saying let’s do it in broad strokes.

ZAK MUSCOVITCH: Okay. So, let’s see if ... Let me try to take a stab at this. So, the summary or our deliberations are that the Subgroup B had broad, if not overwhelming, support for the recommendation as is. However, ask the working group to have regard to the comments submitted by ICANN Org, CPH, and INTA in particular, in order to

ensure that the efficacy of the URS procedure, which requires accurate and up-to-date contact details, is ensured.

Any objections or suggestions to that? Susan says, "Sounds okay." Ariel says she is capturing it. Okay. So, we are complete. We've completed URS recommendation five, at least for the time being.

So, let us move ahead to URS question number three. A lot of gray in this question. If someone has familiarized themselves with the assortment and varied comments on this, perhaps they can provide us with a snapshot and characterization of how they see the feedback to URS question number three. Any volunteers? None. And not surprising because this seems a rather drab picture that has been painted.

The question, "The working group recommends that public comments be sought from registry operators on the following question." And 49 no responses, one "not sure," just to be on the safe side, four "others" and one "yes." And so, when I reviewed this ... If we could scroll down a little bit to see if there's any substance here that has been provided. Scroll down a little farther, even. Farther. There it is.

So, the only substance that I saw ... Maybe others were able to pick up more than I but you see on line 56 CPH, "Certain emails have been signed with self-issued certificates, which has led to questions about the legitimacy of those emails among some registry operators."

So, one thing we're looking at for URS questions in this subgroup is whether there's been any particular public comments that cause us to come up with new thoughts or recommendations or impact our report. And so, this is the only one, in substance, that's been provided. And so, I'm looking for any subgroup member to suggest a way forward on URS question three. Is that item at line 56 worth noting for the working group? Is there any other public comment or characterization that's worth noting for the entire working group?

Griffin in chat, before I go to the live callers, "It's an interesting comment from CPH but not sure it rises to the level of having to make any changes to recommendations." So, we'll go to Cyntia now. Thank you, Cyntia.

CYNTIA KING:

Hi. I read that and saw that it was the only substantive comment. My first thought was if you're concerned that maybe there's a problem with the signature, just pick up the phone and make a call. I don't see why this is a huge problem that requires overt action to address. Thanks.

ZAK MUSCOVITCH:

Thank you, Cyntia. Short and sweet. Philip?

PHILIP CORWIN:

Yeah. Thanks. Agreeing that that's the only substantive comment on a series of questions. Got very little response. It seems to me we might, between now and the full working group consideration

of this, contact the CPH and see what type of certificates don't raise their concerns and consider whether the MOU or the rules in some way should address a standard type of identification certificate to provide assurance to the registry operator that a communication asking for registrant data is legitimate. Thank you.

ZAK MUSCOVITCH: Thank you, Phil. So, just to understand, are you suggesting someone from the subgroup volunteer to reach out to CPH and ask them about this and report back to us?

PHILIP CORWIN: I don't know whether proper procedure would be for a member of the working group to do that or for staff. Staff also provide support to CPH, contact the leadership of CPH. But one way or another, it doesn't seem like a very difficult question to get an answer to.

ZAK MUSCOVITCH: Okay. Thank you. Julie, your hand is up, text Julie.

JULIE HEDLUND: Just to remind folks how inquiries like these were handled in SubPro, when there was question about a particular comment. As you may know, we do have representatives from all of the parties to ICANN—the Contracted Party house, the Noncontracted Party House, and so on—as representatives in the working group and in the subgroups.

And generally, how it was handled in SubPro is that when there was a question about a particular organization's comments, then the representative from that group took the initiative to go back and bring any queries back to that group. It wasn't done by staff. It was done by the representatives of those groups. So, to the extent that we may have somebody who could do that, that would be the recommended option, at least if we're being consistent with previous working groups. Thank you.

ZAK MUSCOVITCH: Thank you, Julie. Okay. Noted. And so, we'll make a decision on that before we leave URS question three. But in the meantime, Susan Payne, please.

SUSAN PAYNE: Hi. Thanks. Yeah. I guess if there are participants here from Registries—and indeed there are—who want to go back to the Contracted Parties and ask them this, then sure. They can do that. But this seems to me almost a throwaway comment. There are three different questions being asked here of registry operators and this is the sum total of their input?

Frankly, I agree with Cyntia. I think this is a mountain out of a molehill. If they felt that this was a real issue, they could have given us more information. This is a nothing comment. But I've got no objection if someone from a registry wants to go off and get more data and more information. But I don't see why we should be bending over backwards on this. I really don't.

ZAK MUSCOVITCH: Thank you, Susan. Okay. So, this should be the least controversial and least time-consuming of our items today, considering its complexion here—all gray. But I still see two hands up so I'm going to ask Kathy and then David to make some brief comments and observations. Kathy?

KATHY KLEIMAN: Thanks, Zak. I'll try to be brief. So, I actually think this important. We're talking about the whole CPH responding, particularly to question 3a, "Have registry operators experienced any issues with respect to receiving notices from URS providers?" Yes. That's a critical cog in the process, right? And so, the only detail we get is 3c, that there is some issue with self-issued certificates. And I'm not exactly sure what they're saying here.

So, I would actually recommend ... There were problems with SubPro sending not-so-representatives back from the organizations because are we representing our organizations? Can we get their bandwidth—all sorts of things. A lot of stuff got dropped in SubPro on that. Some answers got back but a lot didn't. I think this is a quick note that staff could write, if you, Zak, and Paul are willing to do it, to send to the chair of CPH that just says, "Can you explain this? We're trying to solve a problem that you flagged."

But if CPH says they're having a problem receiving notices from URS providers, then ding, ding, ding. We've identified something and it may require more than the full recommendation, which I believe is the updated information.

So, I don't want to spend much more time on it but Zak and Paul, if you guys want to shoot a quick email off, I think you'll get a quick response. Thanks.

ZAK MUSCOVITCH: Okay. Well, that could certainly easily be done. But let's hear from David who's from a small registry.

DAVID MCAULEY: Thank you, Zak. I put my hand up after Julie's comment because she mentioned that the practice from SubPro, which may make some sense here, would be for a member of this group to go back to the CPH Drafting Team. And so, I was going to volunteer. And obviously, that was before Kathy's comments just now.

But let me say that if we wish to do this, I was part of the Registries Stakeholder Group Comment Drafting Team. And then, the Registrar group joined us after a while. I'm happy to go back and search this. Kathy made a good point. It may not be the quickest thing that ever happened. And I don't recognize this comment so much from the Registries. I suspect this may have come from the Registrar side. But I'm happy to try and track it down, if that's what we wish to do.

ZAK MUSCOVITCH: Thank you, David. How could we refuse an offer like that? Much appreciated. Any objections to that? Seeing none, resolved. Okay. Thank you so much for doing that, David. Much appreciated. And

that closes off URS question number three and we get on to something a little more interesting here, URS recommendation six.

And so, I'm going to ask you to just refamiliarize yourself with this. And then, also, in a moment I'll ask Ariel to just switch over to question four, just so we could compare the two. So, let's just take a look at URS recommendation six. "Recommends that a uniform set of education materials be developed to provide guidance to parties, practitioners, examiners in what is needed to meet the clear and convincing burden of proof in a URS proceeding."

Some implementation guidance, "A recommendation of educational materials be developed in the form of an administrative checklist, basic template, and/or FAQ." Specifically, the working group recommends that educational materials be developed to help with URS providers, practitioners, panelists, as well as researchers, academics who study URS decisions closely." And so, that's URS recommendation six.

Can we just go to URS question four so we can just put it in the back of our mind before we turn back to URS recommendation six? As you'll see with URS recommendation four, it's very much related. The questions are about the nature and format of the content, etc. So, we may end up, in our discussion, flipping back and forth between these things. But I think, just for the time being, let's try to stick with URS recommendation six but feel free to bring in URS question number four and the responses.

And so, I'm going to once again ask for a volunteer to try to, as objectively as possible, characterize the public feedback for us, in terms of its scope, in terms of the levels of support that were

indicated or levels of opposition. And perhaps highlight concerns or comments on both sides of this issue. Any volunteers for this? Okay. So, seeing none, I'll do it myself.

There's 60% support as written, with the caveat that we're all aware of. These 60% does not mean anything more than it's an indication of significant support—more than the majority by definition. And there's another 5% that support the concept. But if you look at the numbers in the righthand side in the actual chart, which indicate the numbers of responses, it's not a heck of a lot in my estimation. "No opinion" was considerable and "no response," combined, is over 21%.

And then, we have a variety of comments on a variety of related issues. So, for example, we see proposed changes from the IPC. ICANN's participation to facilitate production is suggested— "a simple document that can facilitate a consistent interpretation of the standards." And then, the ICA and others say, "Follow the WIPO consensus model." Chartered Institute of Trade Mark Attorneys, "Follow WIPO and Nominet guides model."

And then, we see some concerns farther below from the FORUM, which is a provider, and Richard Hill who I believe is a UDRP panelist. May also be a URS examiner. Not sure. "Guidance on the clear and convincing burden may have a negative implication if the guidance provided uses a list of examples of what is and isn't clear and convincing is a substitute for examiner discretion." So, a concern raised there about substituting examiner discretion with guidance.

Then, rationale for non-support. WIPO says that, “If examiners are not capable of understanding this fundamental legal concept, they should not be qualified to be examiners.” Global Owners say, “Education materials would simply pose an implementation burden and cause more problems than they would solve.”

Could we just go down a little bit more on the screen, please, to complete this summary? And so, we see the IPC says, “A high standard of proof is a fundamental characteristic, therefore critically important that the standard is applied consistently, even across multiple URS providers. Therefore, the IPC supports the formation of a small group of experienced URS practitioners and providers to draft educational materials.”

Internet Commerce Association says—sorry, that’s a little fast for me— “a community-developed document.” Other people made similar comments. BC supports this change. ALAC, “Provide assistance to those who may not be able to afford assistance.”

CPH, “Should consider consolidating this with recommendation number 10.” That’s interesting because recommendation number 10, which I had on another screen before ... We don’t need to switch back and forth. I’ll just tell you what URS recommendation 10 was so you could understand was so you can understand CPH’s comment. This was a recommendation which we will get to sooner or later, which says, “Working group recommends clear, concise, and easy-to-understand informational materials should be developed, translated into multiple languages, published in the URS providers, FAQs, links, etc.” So, that’s what URS recommendation 10 was.

Okay. So, that is the landscape which we received from the public comments. And now, there's two hands raised so we'll go with Griffin first. And Griffin, I'd ask you, as part of your remarks, to suggest what we should do with URS recommendation six, having regard to the remit parameters which we are not familiar with. Griffin?

GRIFFIN BARNETT:

Thanks, Zak. I don't know that I was preparing to make any kind of recommended path forward. My comment was really only to say that we put in some comments about this recommendation that were somewhat oppositional but mainly because we were a little bit puzzled, I guess, as to why these materials were specific to the clear and convincing standard.

I think we would have no objection to some kind of guide, akin to, as many commenters have proposed, the WIPO overview type approach that speaks more broadly to a variety of different elements of the URS, akin to, again, what WIPO has done with the UDRP. I guess the question that we had in our minds is why would this be specific to clear and convincing evidence as opposed to any other issues. So, that was one concern.

And then, the other concern was to the extent the we feel like there are not already sufficient materials ... There's a ton of resources and material out there that discusses a clear and convincing burden of proof. Now, it may not be specific to a URS but the standard is quite well-understood, legally speaking.

So, those are just comments to help us understand, I guess, where some of the concerns may have been coming from on this issue. And so, I do want to voice those. Again, I'm not necessarily prepared to express any kind of particular suggestion for a path forward on this but I did want to raise those areas of concern. Again, not necessarily to say that I oppose this recommendation outright but just to submit those additional clarifications, I suppose, for consideration. Thanks.

ZAK MUSCOVITCH:

Okay. Thank you, Griffin. Staff has helpfully also put on our screens some of the concerns and objections—WIPO, which I referred to earlier, and Global Brand Owners, “We do not believe that educational materials are needed and would simply impose an implementation burden.” Then, we have Ted Chang, “Stop the nonsense.” And George Kirikos, “URS to be entirely eliminated.”

So, we aren't running out of time yet but we will be soon. So, we need to find a path forward. Susan is next in the queue. Susan?

SUSAN PAYNE:

Sorry. This is a really quick one and it's not really anything substantive but I wonder if staff would mind just going back for this, and indeed for any comments that are made by this person called Richard Hill and allocated to the FORUM. Just double check whether he's actually making these comments in his own personal capacity or whether he's speaking on behalf of the FORUM. I'm unclear. They seem to be categorized as both and they clearly can't be both. But he's commented, obviously, on

numerous things in relation to RPMs and it would be good to know who he's speaking for. Thanks.

ZAK MUSCOVITCH: I'm not sure if staff happen to know off the top of their head whether that's two separate comments, one from the FORUM and one from Richard Hill or whether this was Richard Hill on behalf of the FORUM. Does staff happen to know? Ariel, textual hand up. Yes?

ARIEL LIANG: Thanks, Zak. And thanks, Susan. It's a great question because when staff went through all of the comments submitted by Richard Hill, for the comments he actually answered, most of them, or maybe 99% what he answered is he support the comment submitted by Renee from FORUM. That's his exact word. Actually, I can even copy/paste that into the chat box.

So, he just basically said he support what Renee submitted from FORUM. So, that's why we didn't try to replicate that sentence because he's basically agreeing with what FORUM submission is so we just consolidate his comment and FORUM's into one cell.

ZAK MUSCOVITCH: Okay. Thank you for that clarification, Ariel. Cyntia and then Kathy. Cyntia, please. Take a moment to unmute yourself, perhaps, Cyntia.

CYNTIA KING: Hello?

ZAK MUSCOVITCH: Yes. Loud and clear. Go ahead.

CYNTIA KING: Thank you. So, I really dug into this question quite a bit. And insofar as I went back and I listened to the recordings and the support material on this to make sure that I understood it correctly, what I gathered from going back through the information is this. The panelists, WIPO and FORUM, they're experts. These are people that know what a clear and convincing standard is.

It's not about these folks not knowing what the standard is. It is more about everyone having a common understanding of what the standard is. And that includes any domainers who may receive notices and want to understand the proceedings against them, which I believe is where George Kirikos was coming from. And it includes the other provider of URS services. I can't remember the name of the group. It's the Asian group. And as I understand it, that group is not attorneys and judges. Those folks are mostly researchers—thank you very much, Ariel—and educational folks and stuff like that. These are not lawyers that do this all the time.

So, having a shared understanding across the world, between multiple providers, and all of the parties involved would be a helpful thing. That's why a simple guide that puts everybody on the same sheet of music is probably what's needed. I don't think we need to have a guide that explains to attorneys and judges

what the clear and convincing standard is. They wouldn't be hired unless they understood that.

But to have everybody on the same sheet of music, around the world, from multiple providers, including those people who receive the notices, who might be representing themselves in the URS proceeding, and on both sides of the complaint, it could be an important thing. So, it should be simple, straightforward.

We can easily do this. I think that the WIPO and FORUM would be less inclined to disagree with doing this if they understood that this is not us trying to give them legal advice or tell them how to interpret a legal standard, which of course we should not do. They interpret the legal standard. But we just need to lay out the groundwork of what everybody needs to expect. Thank you.

ZAK MUSCOVITCH:

Okay. Thank you, Cyntia. And I'm going to give Brian a few-minute warning. I would love to hear from him on this issue at the end of the existing queue, to see if Cyntia's comments and characterization of the issue resonates with him in light of WIPO's comments. And so, let's just go to Kathy and then Phil, please. Kathy?

KATHY KLEIMAN:

Thanks. This is an important question for some. I think there's wide support, whether it's ALAC, BC, CPH. There's wide support on this. But I don't think the rationale ... If we dig back in, I think URS question four—and I'm glad you showed it to us first. Thank you—really explains what we're going after here, which is that full

and clear rationale for decisions by the examiners. We were missing rationales, right? We discovered, in our very detailed review of the URS—I was on that sub-team—that there are decisions that we don't know the basis of—that there is no way for the registrant to know the basis of that decision.

So, here, that wording ... What we're seeing in the follow-up is real calls for specific rationales to be explained and letting panelists know that those rationales are required. Article 19 is calling for translations. ALAC is calling for text that is "readily accessible to the average reader." Quick not that not all examiners in the URS expert, and I believe Cyntia noted. It was always envisioned early on. Some of them are very expert. But given the low cost of this, it was envisioned when we were drafting that even paralegals, strangely enough, might be included in this.

But I think here, the emphasis, at least among many commenters, was that the material should clearly explain the importance of giving full and clear rationales for decisions of examiners. Thanks, Zak.

ZAK MUSCOVITCH: Thank you, Kathy. Phil, I look forward to hearing what you have to say. And maybe part of that is a suggested approach for this. And by the way, I've asked that question number four be put on our screen while we're listening to Phil, which was referenced by Kathy in her comments. Thank you. Phil?

PHILIP CORWIN: What was your last comment, Zak? I missed that.

ZAK MUSCOVITCH: I was just saying that URS question number four is now up on everyone's screen. It was referencing Kathy's comments. And this is the one—

PHILIP CORWIN: Right.

ZAK MUSCOVITCH: Yes. Okay. Go ahead.

PHILIP CORWIN: Wait. Aren't we—

ZAK MUSCOVITCH: Yes. We haven't moved on. I just, because question number four was referenced in her comments, I just asked that it be put on the screen temporarily. We're still on the original.

PHILIP CORWIN: Let me say this about recommendation six. Number one, I remember the discussions when the URS was created. And the gist of what this standard is, which is clear and convincing—and of course, it's always going to be a somewhat subjective judgment applying any evidentiary standard to the facts before a judge or an examiner—is that you know it when you see it. It's obvious. The domain name is identical or confusingly similar to a trademark. The website is selling counterfeit goods of the trademark owner, or selling competing goods, or advertising---things like that.

And with the caveat that it may look black and white at first but if you get a response from the respondent and they point something out that creates a gray area, then it shouldn't be a URS. You should tell the complainant, "No. This is more than black and white. There are shades of gray and it needs to go to court or to a UDRP." So, that's the gist of it.

In terms of the comments, a couple I would note. There was broad ... A lot of the commenters said, "Do something like the WIPO guidance or the Nominet guidance," which is similar on this particular question, which thinking about it might be more informative with that approach to explain why cases that didn't look black and white at first turned out not to be, then why clearly infringing sites that were registered and used in bad faith were clearly infringing. Not much to describe there, in terms of the content of that.

I would note that the CPH recommend to consolidate this with recommendation 10, so we ought to be looking at that and reserve that for when we get to recommendation 10 and think about that consolidation recommendation. I was a little taken aback. And if Brian wants to speak, he's free to, on WIPOs opposition. Which I think they're correct. An examiner should not need this explained. But the materials the working group is recommending are for parties, complainants, respondents, and their legal representatives, not just the examiners. So, I think it's broader than that.

And finally, I'd note that we've recommended a form of an administrative checklist, basic template, and/or FAQ. I think there,

the full working group might want to say, “Could be in the form of any of those,” or give a little more wiggle room to the IRT.

So, I think we want to make sure that what comes out ... And then, we had some parties commenting, “Why focus just on clear and convincing? Why not have a plain-language guide to the URS in totality?”

So, I think those are various aspects we’d want to identify for the full working group when they consider this, noting that the recommendation has pretty broad support, and some opposition but not widespread, but that there are certain issues that the full working group may want to consider when this gets to them, including possible consolidation with recommendation 10. That’s about it. Just identify the comments that the full working group might want to consider in a possible revision of the language of this recommendation. Thank you. I hope that’s helpful.

ZAK MUSCOVITCH: That is helpful, indeed, Phil. Thank you. And Brian has taken the bait and has offered to briefly react. So, Brian Beckham, please.

BRIAN BECKHAM: Hi, Zak. Can you hear me?

ZAK MUSCOVITCH: Yes.

BRIAN BECKHAM:

Good. So, yeah. I think I would support Renee's comments and the rest, that this has an impact on panelist or examiner discretion. As made clear in the WIPO overview, it's a summary of consensus views but individual panelists have discretion to disagree with that and some do. The cases evolve over time.

To be blunt, I think this working group needs to decide what it wants here, right, because you have basically two things that are being proposed. One is a simple checklist and one is more along the lines of the WIPO overview.

I think there's a question for ... The former is relatively straightforward. And I think somebody mentioned this is supposed to be an easy case. You know it when you see it. It's slam dunk. We can come up with different ways to describe it. But I think there, frankly, is a real question about the need for jurisprudential-level guidance for something that should be so clear-cut.

So, I think the checklist—it's easily done—can be helpful for examiners, for providers, for practitioners. Something like a WIPO overview, frankly, feels like a solution in search of a problem. But if that's what the working group wants, then so be it. I would just offer one caveat that things like the WIPO Overview don't appear on your screen overnight. They actually take quite some years to develop.

So, again, to reiterate, I think the working group needs to collectively decide what it wants here—something more along the lines of a checklist for simple cases or something more meaty and legally jurisprudential. Thanks.

ZAK MUSCOVITCH: Thanks, Brian. We're going to get to, in one moment, Kathy. But just from hearing the various remarks of people in this subgroup, it sounds like ... And based upon the numbers from the public feedback from the donut chart as well, it seems like there's broad support but there are issues that could possibly be referred to the working groups in terms of fine-tuning this.

For example, maybe the working group wants to consider not focusing only on clear and convincing, as Griffin alluded to. It's just inter alia, amongst other things, the clear and convincing. And maybe the working group needs to decide whether a full consensus view is adoptable, etc.

We're going to hear from you, Kathy, in one moment. But maybe the path forward is to accept the recommendation as is but ask the working group to consider whether, based upon the concerns raised by the FORUM, and IPC, and WIPO, should result in tweaks to this recommendation number six. Kathy?

KATHY KLEIMAN: Sorry. Coming off mute. I think we should look at the associated question along with this, if we might, because I think if we're talking about tweaks, I think we're going to get some there as well. But I thought this recommendation was pretty clear and the support is pretty clear. And it's asking for information—educational materials to be created on the clear and convincing issue. That's the recommendation. That's what's ...

ZAK MUSCOVITCH: Sorry, Kathy. We lost the last sentence or so of what you said, if you could—

KATHY KLEIMAN: Oh! It was brilliant, I'm sure.

ZAK MUSCOVITCH: Of course.

KATHY KLEIMAN: I don't remember. Sorry. That's actually a line of Jeff Neuman, whenever he winds up on mute. It's a good line. I think we have a recommendation that's well supported. And I'm not sure we should be tweaking it too much. But if we do, then I think URS questions that follow—the question four—provide us with some guidance on how to tweak this as well.

So, can we go down to 4d, where we'll see about translations? Going to see wide support and across the community for translations, 61.8%. Can we go down to the details of that, under the donut? Thanks. So, you're going to see ALAC, and Global Brand Owners, and INTA, and CPH supporting the translation. Some people say the usual ICANN languages. Some people say the UN languages. I think they correspond, on a large basis, there. But Staff can correct me. So, I think this is ... I think translations are key so I'd like to recommend that that be added to our recommendation, given the large support here. Thank you.

ZAK MUSCOVITCH: Thank you, Kathy. So, we have 20 minutes left and we need to try our best to wrap up both the recommendation and the question. And so, let's hear from Cyntia and then I'm going to try to get us to somehow resolve these. Cyntia?

CYNTIA KING: Hi. Thank you. I just wanted to quickly point out that while WIPO and FORUM weren't wild about this, they didn't express strong reservations. And the other provider ... And again, AD ...

ZAK MUSCOVITCH: Yeah. ADNDRC.

CYNTIA KING: Thank you. ADNDRC. They actively did say that they would like to have this information in forum group with ICANN, where all three were present and being asked questions. The representative from ADNDRC did say that they would like to have this information. So, I think that it's clear that this is something that has broad support—not loved by all but does have broad support. Thanks.

ZAK MUSCOVITCH: Okay. There's two ... Kathy, that's an old hand? Cyntia, that's an old hand.

KATHY KLEIMAN: Hi, Zak. Old hand.

ZAK MUSCOVITCH: All right. So, those are now lowered. So, listen. I'm going to throw something out to the subgroup members here and see if there's agreement on it. It looks like for URS recommendation ... Six was it? I forgot the number. Recommendation ... The one we were just one. There's wide support for it but there's questions remaining about what the nature and subject matter of the materials should be.

And so, what I propose to this Subgroup B for how to summarize our deliberations—and I'll ask for any objections or tweaks to it—is that the recommendation proceed as is, subject to asking the working group to consider whether any revisions are appropriate, in terms of the limitations or expansions of the subject matter and the format of the materials. Any objections to that, or any suggested tweaks to that, and perhaps even support for that?

From Cyntia in the comment, "I believe the recommendation moves forward as is. The specific materials should be left to the IRT to decide." Kathy Kleiman, "Agree." Susan Payne with a hand up. And Kathy also adds, "I think we should add translation." We just going to deal with recommendation six in a vacuum, insofar as that's possible. We'll move to question four in a moment and deal with translation. But Susan Payne, let's hear from you on that suggested path forward, if possible, please.

SUSAN PAYNE: Yeah. Thanks, Zak. I'm fine with the recommendation going forward as is. I'm confused as to why we're suggesting that there's

any need to be expanding the subject matter. I don't really see that there's massive support for that. I don't now why we're suggesting that.

ZAK MUSCOVITCH: Okay. Fair enough. So, maybe this revised language is that the recommendation proceed as is but the Subgroup B recommends to the working group that it consider the nature and format of the materials, in accordance with the feedback from question number four and the public comments on question number 10. What's your reaction to that, Susan? Or do you have an alternative proposed language that we could ask staff to use as a summary?

SUSAN PAYNE: I guess I was quite happy with it as it was, the recommendation.

ZAK MUSCOVITCH: As it was? Okay.

SUSAN PAYNE: But if there are comments ... There are various people making comments about how that recommendation should be implemented so maybe that's what we want to ask the working group to look at. But I don't see ... As I said, I think this is about, probably as you said, format. It's not about the subject matter.

SUSAN PAYNE: Okay. So, what I'm hearing from you, Susan, is that there's broad support for this but there's some hesitations that can, perhaps, be dealt with, in terms of implementation, based up on recommendations from the working group. Kathy, your hand is up.

KATHY KLEIMAN: Yeah. I think we may wind up putting the working group into a lot more work if we send it that way. If the community, across the community, likes this, then if I'm understanding what Cyntia is saying correctly, do think this goes, now, to the IRT.

ZAK MUSCOVITCH: So, listen, Kathy. Based upon what you're saying, what Cyntia's saying, and Susan's comments, broadly and generally speaking, you're all in agreement that this recommendation should proceed as is, subject to implementation. Are there any viewpoints that are opposite from that, where you disagree? Because we've seen some input in the comments that are different from that. So, I'm going to ask subgroup members. Is there anyone that objects to that approach? Cyntia?

CYNTIA KING: I'm sorry. And I hope I'm not speaking out of turn. But someone on the chat—I think it might have been Ms. Tushnet—had suggested that where the language specifically limited the people working on implementation to providers, and experts, and stuff, I think that there was one tweak that they wanted to make regarding including other people with expertise or something. Rebecca, did you have a comment on that?

ZAK MUSCOVITCH: Just scrolling through the comments, looking for a comment from Rebecca. Hadn't recalled seeing one from her today but she is on the call.

CYNTIA KING: I apologize. It would have been, I believe, on the email thread or in our previous discussion, not today. Thank you.

ZAK MUSCOVITCH: Okay. So, Cyntia, what are you suggesting?

CYNTIA KING: Someone on the email thread had suggested that the language be tweaked to include people other than simply providers and subject matter experts. But listen, I'm happy with it the way it's written.

ZAK MUSCOVITCH: Okay. All right. So, I haven't heard any objections to the way forward of recommendation number six, proceeding as is, subject to the working group considering implementation guidance. So, that is what I'm going to ask staff to summarize it, subject to any objections, which I'm asking for now. Or hold your peace. Any objections? Okay. David McAuley, sorry. Please go ahead.

DAVID MCAULEY: Thank you, Zak. Don't have an objection. I'm sorry. Can you hear me?

ZAK MUSCOVITCH: Yes. Please.

DAVID MCAULEY: I don't have an objection to what you just said but I think I'm lost, in one sense. Have we gone to the related question? I think it's question four. Have we dealt—

ZAK MUSCOVITCH: No.

DAVID MCAULEY: Okay.

ZAK MUSCOVITCH: We haven't gone there yet but we will momentarily. Still formally dealing with recommendation number six.

DAVID MCAULEY: Well, I have no objection to what you just said but I'll be interested to see what the decision is, with respect to what Kathy asks on translation. So, thank you.

ZAK MUSCOVITCH: Okay. Very good. So, now that staff has their instructions on the summary for recommendation number six, let's now go to question number four, which is in front of your screens. We have 10 minutes left. This related to translations under 4d. Kathy has indicated that there was considerable support for that.

These questions, as a reminder, are meant to inform us as a subgroup whether we need to make any recommendations, or reconsider recommendations, or whether these things inform us with any new facts that were not previously considered.

And so, I see that Kathy has her hand up. Kathy, please go ahead. Make your comments brief, considering we have 10 minutes left and it would be a miracle if we could tap this one off, too.

KATHY KLEIMAN: It would be. Can you hear me, Zak? I'm looking at the whole spreadsheet. I'm not in the Zoom Room visually.

ZAK MUSCOVITCH: Okay.

KATHY KLEIMAN: I just wanted to walk us through this because I think it's fascinating. And at least two of them give us a lot of guidance and it sheds light. So, 4a, "What content and format should these educational materials have?" There's a wide variety of responses on that. So, I'm not sure what to do with that.

But if you go down to 4b, “How should these educational materials be developed?” this may be linked to what David McAuley was just saying and, I think, what Cyntia was flagging for Rebecca, that some people want the multistakeholder community to do it. Some respondents want the community, the URS providers, and ICANN to do it—so, a broader group—that broader group of experts coming in to help the multistakeholders. So, I think that’s good guidance to our working group.

Now, if you go down to 4c, this is really interesting. Who should pay for it? And if you go in, they’re going to be ... Thanks to staff for following with me. Oh my gosh. 4c, “Who should bear the costs?” And you see lots, and lots, and lots of ICANN, ICANN Org, ICANN, ICANN. And this is across the community. I think this one, we have wide support that ICANN, presumably through the fees we all pay, should be handling the development of these educational materials. It’s really striking how much support there is for that.

And then, if you go down to 4d, this tremendously overwhelming ... 61.8%--so approximately 62%--of groups, across the community again, seeking translation. So, unlike other questions, I think these questions do shed some light. We’re looking for the multistakeholder community and probably experts, certainly providers, helping develop this content. I think that’s important that ICANN Org not do it by themselves. Certainly, have agreement on that. ICANN should pay the costs and translation should be provided. Back to you, Zak. Thanks.

ZAK MUSCOVITCH: Thank you. So, from what I'm gathering from your remarks, Kathy, is that in terms of 4b, 4c, and 4d, there seems to be fairly broad support, in terms of all stakeholders participating, in terms of ICANN facilitating and paying, and translations.

But let's look at 4a for a second. Was there any disagreement, in terms of the answers to 4a? Let's take a look at 4a. This was, "What content and format should these educational materials have?" And this relates to URS question number six. So, we're seeing everything from leaflets, PowerPoint presentation, WIPO, Nominet models, URS case summaries, etc.

So, the question is ... And we might, in seven minutes left, maybe we ... What do we do with this feedback from URS question number four? Perhaps we advise the working group that there was broad support that education materials should be developed by all stakeholders with the cost, of course, paid by ICANN. And translation should be part of this. But the content and format, there were differing views on precisely what form they should take. And perhaps, the working group give some implementation guidance.

How does that sound? Does anyone have any preferable or better ways of putting it or any objections to that framework? Kathy, there's a hand up. Go ahead.

KATHY KLEIMAN: Yeah. So, can we report back the results of 4b, c, and d as you said—that these should be developed, ICANN should pay for them, they should have the larger—not just the multistakeholder—not the GNSO as we think of it but stakeholders at large,

translations. And that because we didn't ask about what content and format, we got lots of different answers back, as one would expect.

And so, I'm not sure how much we want to dive into the details in the working group, except maybe to endorse this as implementation guidance, as has been said in the chat, but that these are the results of our work.

ZAK MUSCOVITCH: Thank you.

KATHY KLEIMAN: Thanks, Zak.

ZAK MUSCOVITCH: And Cyntia, yes. We are on question four, generally, skipping between a, b, c, and d. Phil, briefly, and then Cyntia, briefly. We have five minutes left. And let's all try to see if we can push this one over the finish line to leave some more time for Paul McGrady next week. Phil?

PHILIP CORWIN: Thank you, Zak. I will be brief. I don't personally see anything in these answers to these four separate questions that would lead to any revision of any significance of recommendation six, which is what they're related to.

Where you say that it's implementation guidance, the working group recommends that the materials be developed in the form of this, that, or the other thing and specifically recommend that they be developed with help from URS providers, practitioners, panelists, as well as researchers, academics who study URS decisions ... I think that tells us.

It's going to be implemented by an implementation group. We know that ICANN staff leads those implementation groups. So, ICANN is bearing the cost of their time and salaries. The other people from the community are volunteering their time. Once these materials are developed, ICANN translates these things into the standard UN languages, as a matter of course. And the cost of distribution is close to zero because they're published on the internet.

I don't see anything—I want to be corrected—in the answers that suggests any need for modification of this language, unlike some of the responses we got on the recommendation itself. Thank you.

ZAK MUSCOVITCH: Okay. Cyntia, very briefly, please, so we have room for Georges. And there's three minutes left. Cyntia?

CYNTIA KING: Sure. There were just two things in all of the comments here that stood out as something that we might talk about. First was the comment that any guidance should avoid the appearance of legal advice, which I thought was an interesting comment, and second that somebody suggested that there be a help line implemented, I

am assuming, for providers or panelists, which I found interesting.
Thank you.

ZAK MUSCOVITCH: Okay. Thank you, Cyntia. Georges? Welcome to the party, Georges. Unmute yourself.

GEORGES NAHITCHEVANSKY: Can you hear me now?

ZAK MUSCOVITCH: Yes. You're breaking up a little bit but go ahead.

GEORGES NAHITCHEVANSKY: Okay. I just wanted to say I agree with what Phil said. I think the issue that I see here is really more about what the content of this material is going to be and whether we're talking about something that's bells and whistles, like the WIPO Overview, or it's more general about the legal standards and certain aspects of what is involved in a URS. And I think that would be better left, then, to an implementation group that is overseen by staff to work through that sort of material.

ZAK MUSCOVITCH: Thank you, Georges. Kathy, what we're hearing from Georges, Phil, and some others is that this doesn't change anything, in terms of the recommendations, and that the translations would be

done in due course. Do you agree with that or have a different perspective?

KATHY KLEIMAN:

A slightly different perspective. I think it's the same route. It goes into implementation. But in the SubPro, this would be called implementation guidance. And when we got it, we give it. And I think the language Phil laid out, as to how he would describe that this would be—multistakeholders—an expansive view of that, with providers, and experts, and researchers. Everything he said, I just think we need to pass on because we ask the questions. We gather the information. We have a lot of support. I think we pass it on.

It's information we didn't have before that thoroughly supports recommendation six, that we now endorsed, and gives implementation guidance. I think we got it for 4b, c, and d and should pass it on. Thanks.

ZAK MUSCOVITCH:

Okay. So, with less than a minute left, what I'm going to propose ... Georges, your hand is still up and, Kathy, your hand's still up. I'm assuming these are old hands. What I'm going to propose the subgroup, in the seconds that we have remaining, is that the way our deliberations are sent up to the working group is that none of the answers to URS question number four raised any new issues or provided new material perspectives. However, the working group may decide to provide implementation guidance within the context of URS questions numbers 6 and 10.

Any objections to that? I know I'm giving you a very short fuse to come up with an objection. But it's 2:30 on the dot. Any objections to that? If there are objections, perhaps what we'll do is just roll this over to next week to wrap up. Yes, Kathy, recommendations 6 and 10 related to this. Julie, yes?

JULIE HEDLUND: Yes. Very quickly. And thanks very much, Zak for chairing. But just to remind everyone that next week's meetings are full working group meetings. So, the next meeting of this Subgroup B will be in two weeks' time. We'll send out an agenda a little bit later today. Thank you all.

ZAK MUSCOVITCH: Thank you. So, we will leave it there. Thank you very much, all Subgroup B members. If you haven't signed up for your t-shirt yet, please do. Have a good week.

JULIE BISLAND: Thanks, Zak. Thanks, everyone. Have a good rest of your day.

[END OF TRANSCRIPTION]